

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 3, 9, and 10 have been cancelled. Claims 1, 2, and 4- 8 have been amended. Claims 11-26 have been added. Claims 1, 2, 4-8, and 11-26 are now pending in this application.

I. Rejection of Claims 1 and 10 Under 35 U.S.C. § 112

In Section 2 of the Office Action, Claims 1 and 10 were rejected under 35 U.S.C. § 112, second paragraph , as being indefinite. More specifically, the Examiner states:

Claim 1 includes the limitation 'said received voice data and said received background noise information' which contradicts the limitation 'data packets include either voice data or background noise information'. Both received data and information can not be mixed if only one of the received data and information is received.

Applicants have amended Claim 1 to include receipt of both the voice data and the background noise information. As a result, Applicants respectfully request withdrawal of the rejection of Claim 1.

Claim 10 has been canceled rendering this rejection moot.. As a result, Applicants respectfully request withdrawal of the rejection of Claim 10.

II. Rejection of Claims 1-6 and 8-10 Under 35 U.S.C. § 102(e)

In Section 4 of the Office Action, Claims 1-6 and 8-10 were rejected under 35 U.S.C. § 102(3) as being anticipated by US Patent No. 6,628,767 to Wellner et al. (Wellner).

Independent Claim 1, as amended and with emphasis added through underlining, recites in part:

determining, based on the received data packets, if any of the terminals participating in the conference call are currently providing voice data, and, if so, identifying each of the terminals currently providing voice data;

mixing received voice data and background noise information to generate encoded combined data and inserting the encoded combined data into outbound data packets together with indicia identifying any terminal that provided any voice data associated with the encoded combined data for each outbound data packet

New independent Claim 11, with emphasis added through underlining, recites in part:

receiving a second data packet from the conference call server at the first terminal, wherein the second data packet includes the background noise information mixed with voice data from a second terminal participating in the conference call and an active terminal identifier associated with the second terminal

New independent Claim 14, with emphasis added through underlining, recites in part:

determining that the first data packet includes the voice data;

mixing the decoded voice data and the decoded background noise information;

inserting the mixed voice data and background noise information into a third data packet together with the identifier

New independent Claim 22, with emphasis added through underlining, recites in part:

determining if the decoded stream includes any voice data;

if the decoded stream includes voice data, extracting an identifier associated with a first terminal from which the decoded voice data is extracted;

mixing the decoded voice data, if any, with the decoded background noise information;

inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound RTP packet

On pages 3-4 of the Office Action, the Examiner states:

Regarding claim 1, Wellner discloses ...

mixing said received voice data and said received background noise information and inserting said mixed data into new data packets together with at least one identifier associated to one of said terminals

which were determined to provide currently voice data, if any, such that said at least one identifier can be distinguished from any other information included in said data packets; and transmitting said new data packets to terminals participating in said conference call (col. 9, line 24 - col. 10, line 19).

Applicants respectfully disagree that Wellner teaches, suggests, or describes at least “mixing received voice data and background noise information to generate encoded combined data and inserting the encoded combined data into outbound data packets together with indicia identifying any terminal that provided any voice data associated with the encoded combined data for each outbound data packet” as recited in Claim 1, at least “the second data packet includes the background noise information mixed with voice data from a second terminal ... and an active terminal identifier associated with the second terminal” as recited in Claim 11, at least “inserting the mixed voice data and background noise information into a third data packet together with the identifier” as recited in Claim 14, or at least “inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound RTP packet” as recited in Claim 22.

Wellner states:

From one aspect of the invention, the data connections are established over the Internet between the conference bridge and respective computers with video monitors through a web server.

...

From another aspect of the invention, voice connections are established over the public switched telephone network and data connections are established over a packet network. The Internet is currently the most prominent example of a packet network readily accessible by a huge number of users.

From another aspect of the invention, the labels are displayed on the video monitors through broadly available web browsers, thereby eliminating any need for additional computer software to be downloaded from the web server or to be installed on any of the computers.

From another aspect of the invention, a Java programming language mini-application (applet) maintains a hypertext

transfer protocol (HTTP) connection with the web server for each of the data connections, thereby allowing the web server to send current talker updates to each of the video monitors without conference participant action and without browser polling of the web server.

From still another aspect of the invention, at least some of the voice connections may be established over the packet network itself.

(Col. 2, lines 13-51, with emphasis added through underlining). Wellner further states:

Customer equipment 15 and service provider equipment 19 are interconnected by a suitable data network 23, of which the Internet is a prime example, and by the public switched telephone network 25.

Included in customer equipment 15 is a telephone set 27 and a personal computer (PC) 29, which runs suitable web browser software. Included within the web browser is a Java applet (mini-application) 31 which provides an active talker display 33. Also included within the web browser is an HTML participant list 35.

(Col. 4, lines 15-28, with emphasis added through underlining). Wellner also states:

In addition to the usual web-based conference call features, the system illustrated in FIG. 1 uses a Java applet to display an identification of the current conference call speaker(s). This applet opens an HTTP connection to the conference call service provider and, as the current speaker(s) change, the HTTP server sends updates to the applet which the applet uses to display the name(s) of the current talker(s) to web-enabled participants.

(Col. 5, lines 52-59, with emphasis added through underlining). Wellner further states:

The Java applet maintains a table of names indexed by unique integer leg handles. The Java applet also keeps an open HTTP connection to the server, which the server uses to notify the applet of talker changes by transmitting leg handles of the current talker. As the applet receives these leg handle updates, it uses them to look up and display the name of the current talker.

(Col. 6, lines 38-44, with emphasis added through underlining).

Thus, Wellner teaches a conferencing system in which a telephone is used to communicate voice data among the call participants, and a Java applet is used to communicate the active talker identification information using a packet based network. Wellner also states that “at least some of the voice connections may be established over the packet network itself” (col. 2, lines 49-51), but fails to teach that the voice connections are combined with the active talker identification information in any manner. Therefore, Wellner describes a system in which the active talker identification is sent separate from the voice data, and in fact, using separate systems.

As a result, Wellner fails to teach, suggest, or describe at least “mixing received voice data and background noise information to generate encoded combined data and inserting the encoded combined data into outbound data packets together with indicia identifying any terminal that provided any voice data associated with the encoded combined data for each outbound data packet” as recited in Claim 1, at least “the second data packet includes the background noise information mixed with voice data from a second terminal ... and an active terminal identifier associated with the second terminal” as recited in Claim 11, at least “inserting the mixed voice data and background noise information into a third data packet together with the identifier” as recited in Claim 14, or at least “inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound RTP packet” as recited in Claim 22.

Therefore, Wellner fails to teach, suggest, or describe all of the elements of Claims 1, 11, 14, and 22. An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claim 1 and of Claims 2 and 4-8, which depend from Claim 1. Applicants also respectfully request allowance of Claims 11, 14, and 22, and of Claims 12, 13, 15-21 and 23-26, which depend from one of Claims 11, 14, and 22.

III. Rejection of Claim 7 Under 35 U.S.C. § 103(a)

In Section 6 of the Office Action, Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wellner in view of US Patent No. 6,466,550 to Foster et al. (Foster). As discussed in Section II. above, Wellner fails to teach all of the elements as recited in Claim 1. Claim 7 depends from Claim 1. Foster fails to remedy this failure. Foster states:

A distributed packet-based audio conferencing system, method for packet-based audio conferencing, and a transceiver for use in such conferencing are disclosed. The system uses a collection of transceivers, with each conference participant connected to a local transceiver. When a participant speaks, the local transceiver is responsible for relaying the speaker's voice over a packet network by multicast transmission to transceivers local to each other conference participant.

(Abstract). Foster further states:

If both speakers are allowed to talk at once, gateways 64 and 66 will each multicast a talk stream from their respective speaker to each other gateway in system 50. Each gateway receiving two talk streams (i.e., gateways 68, 70, and 72) will either mix the two speakers' voices or arbitrate and select one speaker's voice to pass to conference sets 22.

(Col. 5, lines 18-24). Foster still further states:

A centralized bridge performs two desirable functions: it combines incoming talk streams to create a single outgoing talk stream for each endpoint, and it ensures that all participants hear the same conference.

As long as the current number of speakers in a distributed system does not exceed a preset maximum, transceivers may allow mixing of all speakers. In this mode, transceivers "play out" packets received from each active speaker into a mixer, and the mixer output is conveyed to the local conference set.

(Col. 5, lines 49-64, with emphasis added through underlining).

Therefore, Foster describes a system in which only voice data from speakers is streamed between conference participants. As a result, Foster fails to teach, suggest, or describe at least "mixing received voice data and background noise information to generate encoded combined data and inserting the encoded combined data into outbound data packets

together with indicia identifying any terminal that provided any voice data associated with the encoded combined data for each outbound data packet” as recited in Claim 1, at least “the second data packet includes the background noise information mixed with voice data from a second terminal ... and an active terminal identifier associated with the second terminal” as recited in Claim 11, at least “inserting the mixed voice data and background noise information into a third data packet together with the identifier” as recited in Claim 14, or at least “inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound RTP packet” as recited in Claim 22.

Therefore, Wellner and Foster fail to teach, suggest, or describe all of the elements of Claim 1. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. As a result, Applicants respectfully request withdrawal of the rejection of Claim 7, which depends from Claim 1. Applicants also respectfully request allowance of Claims 11, 14, and 22, and of Claims 12, 13, 15-21 and 23-26, which depend from one of Claims 11, 14, and 22.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

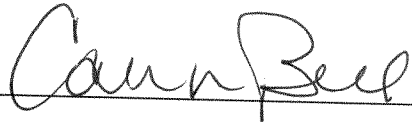
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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